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Rules and Orders of the Governor General in Council regulating the conduct of public servants in respect to borrowing money, receipt of complimentary addresses and other matters.

SECOND EDITION.

1891.

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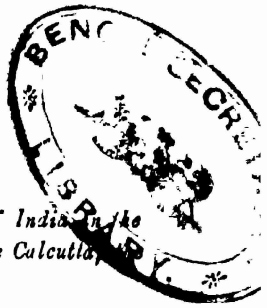

1. *Extract from the Proceedings of the Government of India in the Home Department (Public),—No.* $\frac{29}{697-653}$, *under date Calcutta, the 16th March 1888.*

READ—

Home Department Circular letter No. 4952—4960, dated 28th October 1869, requesting that, if orders had not already been issued prohibiting Uncovenanted as well as Covenanted servants of Government from borrowing money from Native residents in their districts, they should be promulgated.

Read—

Home Department Circular No. 51—2361-68, dated 14th October 1887, to Local Governments and Administrations except Bengal and the North-Western Provinces, enquiring whether any orders had been issued prohibiting the borrowing of money by Covenanted Civil Servants, from persons residing, possessing property or carrying on business within the districts to which such Civil Servants may be appointed.

RESOLUTION.

From the replies to Home Department Circular of the 14th October 1887, it appears that there are no uniform executive orders on the subject of the pecuniary relations of Government officers with persons who are subject to their authority; and as the Regulation VII of 1823 applies only to Covenanted Civil Servants and only to such officers when serving in certain portions of the Bengal Presidency, the Governor General in Council considers it desirable that definite instructions should now issue with the object of making the liability in this matter of all officers holding civil appointments the same throughout India. The Governor General in Council is accordingly pleased to direct that the following rules shall be strictly observed in future:—

1. All Covenanted Civil Servants, Statutory Civilians, Uncovenanted officers who hold gazetted appointments and Military officers in civil employ are prohibited, under pain of dismissal, from taking loans from, or otherwise placing themselves under pecuniary obligations to, persons subject to the official authority or influence of such Government officers, or residing, possessing property or carrying on business within the local limits for which such Government officers are appointed.
2. This prohibition does not extend to transactions in the ordinary course of business with Joint Stock Banks and British firms.

2. Circular No. $\frac{21}{797-806}$ (Public), dated Simla, the 13th May 1885.

From—A. MACKENZIE, Esq., Secretary to the Government of India, Home Department.

To—All Local Governments and Administrations.

In the course of correspondence with a Local Government, it has been brought to the notice of the Government of India that some misapprehension exists as to the precise scope and proper interpretation of the standing orders which regulate the connection of public servants with land-holding and commercial speculation in India. The Governor General in Council accordingly considers it desirable, in continuation of Home Department Resolution No. 5—224-246, dated 20th February 1884, to frame for facility of reference on the part of Local Governments and Administrations and officers serving under them a brief summary of the existing rules, and of the more important interpretations which have been placed upon certain of them by the Government of India with the approval of Her Majesty's Secretary of State.

2. Covenanted Civil Servants, Military officers in civil employ, and all persons holding civil offices ordinarily held by Covenanted or Commissioned officers of the two classes abovementioned are prohibited from acquiring or holding land within the province in which they are employed or with the Administration of which they are concerned, whether that connection be permanent or temporary. This prohibition does not extend to land occupied merely by buildings for residence and their usual appurtenances.

Acquisition and possession of landed property intended to be applied to agricultural purposes.

3. Natives of India appointed under the Statutory Rules are permitted to hold any lands actually in their possession when they enter the service of Government, or which may come into their possession thereafter by inheritance, gift* or devise, provided that full information in respect of such lands is given to the Local Government, which will consider in each case whether the fact of an officer holding any particular lands need be a bar to his employment in the district where these are situated. No fresh purchase of land is, however, allowed on the part of a Statutory Civil Servant without the previous sanction of the Local Government under which he is serving.

* *i.e., bonâ fide* gifts from relatives or near friends.

Note.—This rule is also applicable to natives of India who enter the Indian Civil Service by competition in England—Home Department Circular No. $\frac{19 \text{ Public}}{1161-1170}$, dated the 14th June 1890.

4. Uncovenanted officers exercising independent judicial or revenue functions, whether of European, Eurasian or Native descent, are not debarred from acquiring or possessing landed property in British India for agricultural purposes, provided that they must not hold landed property in the districts in which they are employed. Although Uncovenanted officers are not precluded from holding land, it is inexpedient that appointments which necessarily confer a considerable amount of power and influence on their occupants, such as those of Munsif, Deputy Collector, and Tahsildar, should be filled by persons holding landed property within their jurisdiction.

5. Officers of all classes (including candidates for office) must be required to make a declaration of the fact of their being in possession of, or of their having acquired landed property, stating the district within which it is situated, with such other particulars as may be considered necessary, of which registers should be kept by the Local Governments concerned.

6. It is incumbent on the several Local Governments to take care that no officer who may be in possession of landed property in British India or elsewhere, to whatever branch of the service he may belong, shall apply any portion of the time and attention which ought to be devoted to his public duties, whether civil or military, to the management of that property, and that longer or more frequent leaves of absence are not permitted on that account.

Acquisition and possession of landed property in Native States for any purpose.

7. Civil Servants and Military officers in the actual service of the Crown in India are prohibited from holding lands in a Native State for any purpose whatever. This prohibition does not extend to land occupied merely by buildings for residence and their usual appurtenances.

Investments, other than those in land, for the profits of cultivation.

8. With regard to investments, other than those in land for the profits of cultivation, officers of every rank and class in the public service are expected to abstain from any investment (though of itself unobjectionable) which interests them privately in affairs or undertakings of the kind with which their public duty is connected. Subject to this general proviso, there is no objection to Government servants holding shares in mining or other companies (including agricultural companies) having for their object the development of the resources of the country, provided that they must not take part in the management of any such company, and that they must not be employed in the districts where the operations of the company with which they may be connected are carried on. This latter prohibition must be held to apply sometimes with less, sometimes with greater, force to certain officers connected with the central administration, such as Members of the Local Government, Members of the Board of Revenue and their Secretaries, and to indicate the necessity of great circumspection on the part of such officers as to the undertakings with which they become connected in any part of the province in which they are employed.

9. In the matter of taking part in the management of a company, it has been decided that the prohibition was not intended to apply to the participation of Government officers in the direction of those companies only which are designed to develop the resources of the country, but also to preclude such officers from taking part in the direction of such institutions as banks. It has also been held that the prohibition against officers taking part in the management of a company applies to public servants on leave equally with those in active service, but that it does not extend to officers who, with the consent of the Government of India, take service under Railway Companies working under concessions from Government, nor does it apply to the management of associations which are established *bonâ fide* for the purpose of mutual supply and not of trade and trade profit (provided in this latter case that the interests of Government

do not suffer by the double employment of the officer concerned). Although the prohibition against taking part in the "management" of a company cannot, taken literally, be held to debar an officer from taking part as a promoter or as one of the applicants for registration in the Memorandum of Association, the Governor General in Council has held that the danger against which the prohibition was aimed, namely, that of official influence being abused or official trust betrayed, is, under such circumstances, not much less than if the officer took part in the management after the company has been started. Government servants are therefore distinctly forbidden to take any part in the promotion or registration of companies.

Speculation generally.

10. It is a standing order that servants of Government are required to abstain from speculative investments, but no literal definition has been laid down as to the stage at which, or circumstances under which, the holding of land or other valuable property becomes speculative. It is obviously speculative to secure a grant of land supposed to be auriferous with the object of disposing of it hereafter to companies. Habitual speculation by officials has been always held to be an evil, and the Government has reserved* to itself full power to deal stringently with the practice whenever it appears to prevail. The general distinction which exists between permanent and speculative investments is sufficiently described in the extract given in the margin† from Home Department letter to the Government of Bengal, No. 1495, dated 10th April 1873.

11. The foregoing paragraphs contain a brief summary of the more important orders which have been issued from time to time on the subjects under notice, and the Governor General in Council trusts that they will serve as a useful guide to Local Governments and Administrations, and to officers serving under them. It should, however, be understood that this summary merely embraces the more important orders, and does not profess to be exhaustive.

* Paragraph 7 of Despatch to Secretary of State, No. 40, dated 16th June 1873.

Despatch from Secretary of State, No. 99, dated 26th August 1873.

† The Government of India consider that there exists an essential difference between permanent and speculative investments; that the distinction is one of motive, and that the frequency of a man's purchases and sales may be, and usually is, very good evidence of his motive in effecting them. If an officer habitually buys and sells securities of a value notoriously fluctuating, it is clear that he is addicted to speculation, and he thereby undoubtedly lays himself open to the disapproval of Government, which can be expressed in various ways, and in a degree proportionate to the nature of the dereliction. If he engages in such pursuits to an extent which attracts public notice and unfavourable remark, so that his integrity or his application to his public duties is discussed and doubted, then he has given rise to a scandal with which the Government will have to deal.

No. $\frac{83}{2405-14}$ (Public), dated Simla, the 11th September 1888.

From—A. P. MacDonnell, Esq., C.S.I., Secretary to the Government of India, Home Department.

To—All Local Governments and Administrations.

In paragraph 5 of Home Department Circular letter No. $\frac{21}{797-806}$, dated the 13th May 1885, which gives a summary of the existing rules and

orders regulating the connection of public servants with land-holding and commercial speculation in India, it was laid down that officers of all classes (including candidates for office) must make a declaration of the fact of their being in possession of, or of their having acquired, landed property, stating the district within which it is situated, with such other particulars as may be considered necessary, and that registers containing such particulars should be kept by the Local Government concerned.

In continuation of these orders, I am now to say that His Excellency the Governor General in Council is pleased to direct that in future similar particulars must be given of property held by, and managed by, wives of officers or other members of their families living with, and in any way dependent on, them; and that the management of such property shall be subject to the same restrictions as that of property belonging to themselves.

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3. Circular No. $\frac{30}{1267\text{-}76}$ (Public), dated Simla, the 16th August 1884.

From—A. MACKENZIE, Esq., Secretary to the Government of India, Home Department.

To—All Local Governments and Administrations.

The Secretary of State has forwarded to the Government of India a copy of a Treasury Minute, dated the 13th March 1884, respecting the "premature publication of official documents," with the request that similar rules may be adopted in this country.

2. The minute in question draws attention to previous orders prohibiting the unauthorized communication to the public Press of information derived from official sources, and points out that the communications so prohibited are not confined to matter still under discussion, but include also the unauthorized disclosure of matter finally decided on, but as to which the manner and the time of publication may be not less important than the matter itself.

3. The standing orders of the Government of India upon the subject are contained in the Notification and Resolutions reproduced in the appendix. The Governor General in Council desires that these orders may in future be held subject to the further restrictions explained in paragraph 2 above.

APPENDIX.

General Order, Foreign Department, dated the 15th March 1847.

Fort William, Foreign Department, the 30th August 1843.

NOTIFICATION.—Some misconception appearing to exist with respect to the power which officers of both services have over the documents and papers which come into their possession officially, the Governor General in Council deems it expedient to notify that such documents and papers are in no case to be

The Governor General deems it advisable to republish for general information the Notification issued on the 30th August 1843, in which the principle is laid down

made public, or communicated to individuals, without the previous consent of the Government to which alone they belong.

The officer in possession of such documents and papers can only legitimately use them for the furtherance of the Public Service in the discharge of his official duty; and it is to be understood that the same rule which applies to documents and papers applies to information of which officers may become possessed officially.

that it is contrary to the duty of every officer, civil or military, to make public, or to communicate to individuals, without the previous sanction of Government, any documents, papers, or information of which he may have become possessed in his official capacity.

By order, &c.,

J. THOMASON,

Secretary to the Govt. of India.

The practice of making use of official information in carrying on personal controversies is a course highly prejudicial to the public interests, and is not only at variance with the rules by which due discipline and obedience to superior authority can be adequately maintained, but is a positive breach of faith, inasmuch as no functionary has a right to reveal, without due authority from his official superiors, or the Home authorities, any fact or circumstance which may come to his knowledge in the performance of his duty, or to correspond with any one upon the instructions he may have received for his special guidance.

The Governor General is persuaded that every officer, Civil and Military, will henceforth conform to this rule of the service under the conviction that, if in the transaction of his official duties his public conduct be impugned, he is at liberty to seek redress through the usual official channel by an appeal to the Government he serves, and that the Government so appealed to will afford him every opportunity of vindicating his character.

Extract from the Proceedings of the Government of India in the Home Department (Public),—No. 19—1134, under date Simla, the 8th July 1875.

RESOLUTION.

Question having recently arisen as to the extent to which officers in the service of Government are permitted to connect themselves with the Press, the Governor General in Council thinks it desirable that the existing orders on the subject should be clearly understood :—

I.—No officer in the service of Government is permitted, without the previous sanction in writing of the Government under which he immediately serves, to become the proprietor, either in whole or in part, of any newspaper or periodical publication, or to edit or manage any such newspaper or publication. Such sanction will only be given in the case of newspapers or publications mainly devoted to the discussion of topics not of a political character, such, for instance, as art, science, or literature. The sanction will be liable to be withdrawn at the discretion of the Government.

II.—Officers in the service of Government are not prohibited from contributing to the public Press; but their position makes it incumbent upon them to confine themselves within the limits of temperate and reasonable discussion, and they are prohibited from making public, without the previous sanction of Government, any documents, papers, or information of which they may become possessed in their official capacity. These rules have been hitherto in most cases honourably observed. In case of departure from them, or if the Government should consider the connexion of any officer with the Press to be contrary to the public interests, his liberty to contribute will be withdrawn.

III.—The Government of India will decide in case of doubt whether any engagements of officers with the Press are consistent with the discharge of their duties to the Government.

IV.—Nothing in this Resolution is intended to relax the provisions of any regulations on this subject which now apply to the Army.

Extract from the Proceedings of the Government of India in the Home Department (Public),—No. 1 C. H., under date Camp Lahore, the 16th December 1878.

RESOLUTION.

His Excellency the Viceroy and Governor General desires to remind all officers of the Government that information received by them in their official capacity, whether from official sources or otherwise, which is not from its nature obviously intended to be made public, cannot be treated as if it were at their personal disposal.

The Governor General does not think it necessary to issue any general order entirely prohibiting the disclosure, without special authority, of any information received officially. In such matters much must necessarily be left to the discretion and intelligence of officers holding places of trust, and in charge of duties more or less important. But His Excellency would impress upon all officers the serious responsibility involved in the exercise of the discretion. Whenever there is any room for doubt as to the right course to pursue, the orders of superior authority should be obtained before information regarding the public affairs is communicated to any one not officially entitled to receive it.

His Excellency the Viceroy and Governor General has reason to believe that sufficient attention has not upon all occasions been given to the principles which should guide the conduct of public officers in these matters, and which are especially applicable to the present time, when much important business is passing through the public offices. And His Excellency trusts that these principles may in future be clearly apprehended and observed.

Extract from the Proceedings of the Government of India in the Home Department (Public),—No. 23 A., dated 3rd June 1885.

RESOLUTION.

His Excellency the Viceroy and Governor General has, within the last few months, observed, not infrequently, in the columns of the daily papers, items of official information of a confidential character, which can only have reached the Press through an indiscretion or want of reticence on the part of those officers of Government who have had to deal departmentally with the subject-matter of the editorial paragraphs in question. In former days when India was comparatively isolated, when there were no telegraphs, and when newspapers were neither numerous nor widely-circulated, the mischief arising from such violations of official reticence may have been less apparent, but now that every statement, however inaccurate or incomplete, which has any bearing upon pending questions of policy or administration, is reported from one end of India to the other and from India to Europe in the course of a few hours, the case is very different, and the embarrassment thus caused to the Government becomes at times a matter of very serious moment.

2. It must be clearly understood that no officer of Government, not specially authorized in that behalf, is at liberty to communicate to the Press, either directly or indirectly, information of which he may become possessed in the course of his official duty. A similar professional reticence should be exercised by all officers of Government in their private and unofficial intercourse with non-official persons, and even with officers of Government belonging to other Departments. His Excellency the Viceroy and Governor General does not for a moment intend to debar officers of Government in private life from the same freedom in the discussion of public events which is enjoyed by all Her Majesty's subjects; but when an officer has in the course of his duty become possessed of special information not yet made public, he should always be strictly on his guard against the temptation of divulging it, even to other servants of Government, when these are not officially entitled to his confidence. Irresponsible persons hearing facts of interest mentioned without reserve in the course of general conversation can scarcely be expected to refrain from repeating them to others, and thus giving them a premature and too often a garbled currency.

3. His Excellency the Viceroy and Governor General feels sure that he has only to invite the attention of the officers of Government to the importance of this matter to secure their earnest co-operation in putting a stop to such casual and unpremeditated breaches of official confidence. Officers of Government are bound to be as reserved in respect to all matters that may come within their cognizance during the discharge of their public duties as lawyers, bankers, or other professional men in regard to the affairs of their clients.

4. For the due communication to the Press of such information as may unobjectionably be given to it, departmental arrangements must be made under proper authority.

4. No. 1437 (Public), dated Simla, the 23rd September 1881.

Notification by the Home Department.

The following Resolution of the Foreign Department containing rules regarding the sale of property to Natives by British officers, whether Civil, Military or Uncovenanted, is republished for general information :—

Extract from the Proceedings of the Government of India in the Foreign Department,—No. 1667, dated 30th September 1868.

RESOLUTION.

His Excellency the Viceroy and Governor General in Council observes that these references originated with a case which occurred at Allahabad, where an officer wished to part with his house to a Native, under circumstances not open to any suspicion, and with a remark from the Home Department to the effect that some change or relaxation of the rule which prohibits the sale of property to Natives by public servants under any circumstances seemed desirable. At present, under the Notification of the 3rd of December 1858, drawn up in consequence of the orders of the late Court of Directors, sales of property to Natives are strictly prohibited, and officers are thereby directed to refer all transactions in regard to which they have any doubts for the orders of superior authority.

2. His Excellency in Council observes that the weight of authority on the part of the various Administrations and Departments which have lately been consulted on this subject is decidedly in favour of some modification of the existing rule, or at least of more clearly and accurately defining the course to be pursued in such cases. There can be no doubt that the restrictions imposed hitherto on such transactions have been, to a certain extent, beneficial, and that the Government of India, though it can place a full reliance on the fair dealing, honour and integrity of its Civil and Military Services, has a right to expect, not only that all such transactions shall be correct and unimpeachable in themselves, but that they shall not run any risk of misconstruction at the hands of designing, ignorant or credulous persons.

3. The Government of India is also well aware, as pointed out by some of the high authorities consulted, that many officials who, on joining their stations, have become the owners of houses either under an absolute necessity, or from laudable motives of convenience and comfort, may, on quitting the district or province to which they have been for some time attached, literally find no purchasers for their property, except Natives of wealth or substance. When such transactions openly and avowedly take place, no evil consequences, His Excellency in Council thinks, need ever ensue under proper precautions.

4. The following rules have therefore been drawn up in supersession of the existing rule, and are hereby published for general information. They must be considered applicable to European public servants of all descriptions, Civil, Military and Uncovenanted :—

5. I.—Whenever a public servant wishes to dispose of a house, bungalow, elephant, horse or carriage, or other valuable property, to any Native within his jurisdiction, or within the

limits of the district in which he is employed on the public service, and from which he is not about to remove, he must report his intention to the Local Government to which he is subordinate, stating the facts and circumstances and the price offered for the article to be sold. The Local Government will then pass such orders on the reference as may seem fit and proper.

II.—Whenever a public servant is about to quit his station or district permanently, or for a considerable period, and wishes to dispose of his house, bungalow, elephant, carriages, and horses, and the like property of value, to Native purchasers, he shall report his intention to the Commissioner or the head local authority to which he may be immediately subordinate, and that authority will use its discretion in allowing the transaction, or in reporting the circumstances to the Local Government for further orders.

III.—Whenever a public servant, on quitting his station or district wishes to dispose of his furniture, household goods, live-stock, &c., he is at full liberty to do so either by circulating lists of such property amongst the community generally, or by having the same put up to public auction, without reference to any authority whatever. All that is necessary is that the transaction should be open and patent to everybody on the spot.

IV.—Rule No. I is to be considered applicable to purchases equally with sales.

6. The observance of the above rules will, His Excellency in Council thinks, fully meet the inconveniences and exigencies to which gentlemen of acknowledged honour and probity would be put on many occasions if debarred from such transactions; while at the same time they will be a sufficient safeguard against any abuse, any imputation of unfair or interested dealings, or any possibility of misconception on the part of the non-official community.

Notification by the Home Department, No. 53 (Public), dated Fort William, the 20th January 1882.

In continuation of Home Department Notification No. 1437, dated the 23rd September 1881, republishing rules regarding the sale of property to Natives by Government officers, it is hereby notified for general information that the above rules are not applicable to *bonâ fide* transactions with regular dealers.

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5. *Extract from the Proceedings of the Government of India in the Home Department (Public)—No.* $\frac{81}{1217-49}$, *under date Simla, the 11th July 1885.*

RESOLUTION.

It has recently been brought to the notice of the Government of India that no rule exists regulating the circumstances under which officers of Government may apply to Native Chiefs for pecuniary contri-

butions towards public objects. As it is for many reasons undesirable that such applications should be made except with the permission of superior authority, the Governor General in Council is pleased to direct that in future no officer of Government shall ask or accept pecuniary aid or subscriptions from Native Chiefs or officials of Native States in pursuance of public objects, except with the sanction previously obtained of the Local Government to which he may be subordinate.

Extract from the Proceedings of the Government of India in the Home Department (Public),—No. $\frac{25}{1437-60}$, *under date Simla, the 14th August 1889.*

READ—

Home Department Resolution No. $\frac{31}{1217-42}$, dated the 11th July 1885.

RESOLUTION.

In the Resolution read in the preamble it has been laid down that no officer of Government shall ask or accept pecuniary aid or subscriptions from Native Chiefs or officials of Native States in pursuance of public objects, except with the previous sanction of the Local Government to which he may be subordinate.

2. An instance has recently come to the notice of the Government of India in which a public servant accepted a donation from a Native Chief towards a religious object in which he was specially interested. In the Resolution of 11th July 1885, applications for contributions to private or semi-public objects are not expressly condemned, but the objections upon which those orders are based apply with even greater force to such donations. The Governor General in Council is therefore pleased to extend the orders contained in Resolution No. $\frac{31}{1217-42}$ (Public), dated 11th July 1885, to applications for, or acceptance of, assistance towards private or semi-public objects.

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6. Circular No. $\frac{55}{1864-73}$ (Public), dated Calcutta, the 29th December 1883.

The Governor General in Council considers it desirable to republish for general information the orders issued by the Government of India in Notification No. 216 (General Department), dated 9th September 1842, prohibiting Civil and Military servants of the Government from entering into pecuniary arrangements with members of the service or department to which they belong, in connection with the resignation of any appointment held by them. Officers of Government are warned that any violation of these orders will be severely visited on the offender.

Notification (General Department) No. 216, dated Fort William, the 9th September 1842.

It having come to the knowledge of Government that very erroneous impressions are entertained on the subject of pecuniary arrangements

referable to the resignation of appointments, the Honourable the President in Council is pleased to give notice that all such arrangements are prohibited, and that on proof of any appointment, Civil or Military, having been resigned under such circumstances, the nomination consequent on such resignation will be cancelled, and the parties concerned suspended the service in Public Orders pending the pleasure of the Honourable the Court of Directors.

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7. *Extract from the Proceedings of the Government of India, Home Department (Public),—No.* $\frac{29}{1629-45}$, *under date Simla, the 22nd July 1887.*

READ—

Home Department Resolution No. $\frac{19}{746-62}$, dated 11th May 1885, prescribing rules for the receipt of testimonials and addresses by servants of Government.

RESOLUTION.

In re-issuing the rules contained in Home Department Resolution of the 11th May 1885, with certain necessary additions, the Governor General in Council desires to invite the renewed attention of the Local Governments and Administrations to the subject with which they deal and to impress on all concerned by them the duty of exact obedience to these regulations.

2. The rules do not apply to the receipt of addresses by the Head of any Government or Administration.

RULES.

1. Save as in these Rules otherwise provided, all servants of Government, Covenanted or Uncovenanted, are forbidden to receive complimentary or valedictory addresses in any form; or to accept testimonials of any kind; or to attend public meetings or complimentary entertainments of a formal and public character held in their honour.

2. The Government views with disfavour all similar manifestations in the case of retired officers, when following immediately upon their retirement from active service, and designed as an acknowledgment of acts done by them while in the service of Government.

3. It is not intended to prohibit such an expression of regard for the private or official character of an officer retiring from service, or leaving his station or district, as is involved in a farewell entertainment supported by his personal friends, even though some of these may be his official subordinates. But it is expected that the proceedings on such occasions will be substantially of a private and informal character.

4. Local Governments and Administrations are authorized to forward to an officer who has left a station or district the resolution of any local public body recording a vote of thanks to him for help and advice afforded during his official connection with the station or district.

5. Medical officers are not prohibited from receiving pecuniary recognition of their services from a community or body of persons which may

desire to acknowledge these, but the previous sanction of the Local Government or Administration must be obtained by Medical officers before receiving any public complimentary address.

6. Nothing in the above rule is meant to prohibit compliance with the request of a public body that a Government officer should sit for his portrait, bust or statue in recognition of his public services; provided that the portrait, bust or statue is not intended for presentation to the officer concerned.

7. The participation of Government officers in the raising of funds for the foundation of scholarships, or for procuring a portrait, bust or statue, as a spontaneous recognition of the services of a Government officer is not forbidden; but it should be clearly understood that any solicitation on the part of officers of Government for subscriptions from any person who does not voluntarily come forward to contribute is disapproved by the Government of India.

8. The previous sanction of the Government of India must be obtained to the relaxation of these rules in any special case in which the Local Government or Administration may think this desirable.

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8. Circular No. 1299 G., dated Simla, the 20th June 1876.

From—T. H. THORNTON, Esq., D.C.L., Offg. Secretary to the Government of India, Foreign Department.

To—The Chief Commissioners, Mysore and Ajmere; Residents, Hyderabad, Nipal and Mandalay; Agents, Governor General, Central India, Rajputana, and Baroda; Political Resident, Persian Gulf; Political Agents, Manipur and Turkish Arabia; Agent, Governor General, ex-King of Oudh, and Superintendent of Political Pensions; and General Superintendent of Operations for the Suppression of Thuggee and Dacoity.

I am directed to forward, for your information and guidance and communication to your subordinates, the following summary of the existing law and rules regarding the acceptance by Government servants of presents from Native Chiefs and others:—

I.—The main provisions of the law on the subject are contained (see Appendix) in 13 Geo. III., Chap. 63, sections 23-24; 33 Geo. III., Chap. 52, sections 62-63; 3 and 4 Wm. IV., Chap. 85, section 76.

II.—The prohibition of the receipt of presents from Native Chiefs and others does not extend to the receipt of a few flowers or fruits, and articles of inappreciable value, although even such trifling presents should be discouraged.

III.—It does not extend to the exchange of presents between Governors, Lieutenant-Governors, Chief Commissioners, Agents to the Governor General or Political Officers generally in their ceremonial intercourse with Native Chiefs, on which occasions the presents from the Chiefs are deposited in the Government Toshakhana, and return presents are given at the Government expense.

IV.—It does not apply to presents to Medical officers made *bonâ fide* for services rendered.

V.—The general prohibition extends to all servants of Government, Native or European, Covenanted or Uncovenanted, in whatsoever Department they may be serving.

VI.—Where presents cannot absolutely be refused without giving offence, they must be delivered up to Government, and to this rule no exception whatsoever is permissible save with the express sanction of His Excellency the Governor General in Council, which will only be given under very special circumstances.

2. The Governor General in Council desires that the above rules may be strictly observed and no deviation therefrom permitted, except with the previous sanction of the Government of India.

APPENDIX.

[*Extract 13 Geo. III., Chap. 63, sections 23 and 24.*]

XXIII.—And be it further enacted by the authority aforesaid, that no Governor General or any of the Council of the said United Company's Presidency of Fort William in Bengal, or any Chief Justice, or any of the Judges of the Supreme Court of Judicature at Fort William aforesaid, shall, directly or indirectly, by themselves or by any other person or persons for his or their use, or on his or their behalf, accept, receive or take, of or from any person or persons in any manner, or on any account whatsoever, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity or reward. * * *

The Governor General, Council, and Judges restricted from accepting any present.

XXIV.—And be it further enacted by the authority aforesaid, that from and after the first day of August one thousand seven hundred and seventy-four no person holding or exercising any Civil or Military office under the Crown, or the said United Company, in the East Indies, shall accept, receive, or take, directly or indirectly by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents (or any of the natives of Asia), any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity, or reward.* * *

No person holding a Civil or Military office under the Crown or Company shall accept any donation or gratuity.

[*Extract 33 Geo. III., Chap. 52, sections 62 and 63.*]

LXII.—And be it further enacted, that the demanding or receiving any sum of money, or other valuable thing as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for, or pretended to be for, the use of the said

Receiving gifts to be deemed a misdemeanour.

Company, or of any other person whatsoever, by any British subject holding or exercising any office or employment under His Majesty, or the said United Company in the East Indies, shall be deemed and taken to be extortion and a misdemeanour at law, and shall be proceeded against and punished as such under and by virtue of this Act; and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof.

The Court may order gifts to be restored, and fines to be given to the prosecutor.

LXIII.—Provided always, and be it further enacted, that the Court or Jurisdiction before whom any such offence shall be tried, shall have full power and authority to direct the said present or gift, or any part thereof, to be restored to the party who gave the same, or to order the whole or any part thereof, or of any fine which the Court shall set on the offender, to be paid or given to the prosecutor or informer, as such Court in its discretion shall think fit.

[*Extract 3 and 4 William IV., Chap. 85, section 76.*]

Salaries of Governor General, &c., fixed; to be in lieu of all fees, &c.

LXXVI.—And be it enacted, that there shall be paid to the several officers hereafter named the several salaries set against the names of such officers subject to such reduction of the said several salaries respectively as the said Court of Directors, with the sanction of the said Board, may at any time think fit; that is to say—

To the Governor General of India, two hundred and forty thousand sicca rupees:

To each ordinary Member of the Council of India, ninety-six thousand sicca rupees:

To each Governor of the Presidencies of Fort Saint George, Bombay and Agra, one hundred and twenty thousand sicca rupees:

To each Member of any Council to be appointed in any Presidency, sixty thousand sicca rupees:

and the salaries of the said officers respectively shall commence from their respectively taking upon them the execution of their respective offices; and the said salaries shall be the whole profit or advantage which the said officers shall enjoy during their continuance in such offices respectively, and it shall be, and it is hereby declared to be, a misdemeanour for any such officer to accept for his own use, in the discharge of his office, any present, gift, donation, gratuity, or reward, pecuniary or otherwise whatsoever, or to trade or traffic for his own benefit, or for the benefit of any other person or persons whatever, &c., &c.

Acceptance of gratuities a misdemeanour.

9. Notification by the Home Department, No. 181, dated the 26th January 1855.

With reference to the Notification from the Military Department, No. 100 of 1855, the following public letter No. 18 of 1854, dated 22nd March, from the Honourable the Court of Directors, is published for general information:—

No. 18 of 1854.

OUR GOVERNOR GENERAL OF INDIA IN COUNCIL.

1. In our Despatch of this date, No 6, to the Government of Bombay, we have given our views on a question submitted by that Government, *viz.*:—

"Whether a public declaration of insolvency on the part of our Civil Servants is to be regarded as a disqualification for office, or to be visited by Government with any marks of its disapprobation."

2. In reply to this question we have said: "We have no hesitation in giving it as our decision that such a declaration of insolvency as is involved in a resort to the Insolvent Debtors' Court for relief is quite incompatible with the maintenance of that high character for independence which we regard as essential in those filling offices of trust and authority in our service. We direct therefore that, in the event of any one of our Civil Servants at any time availing himself of the means afforded by the Court to obtain relief from his liabilities, he be suspended from public employment, and his case forthwith reported to us for final orders. You will give public notification to this effect, in such way as you may think proper."

3. You will consider these views as of general application under all our Governments.

LONDON,
22nd March 1854.

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10. *Extract from the Proceedings of the Government of India in the Home Department (Public),—No.* $\frac{2\,R}{57-103}$, *under date Calcutta, the 16th January 1890.*

READ—

Home Department Resolution No. $\frac{11}{426-437}$, dated the 17th March 1882.

RESOLUTION.

Section 2 of Regulation XXXVIII of 1793 prohibits Covenanted Civil Servants from lending money, directly or indirectly, to any proprietor or farmer of land, or dependent taluqdar or under-farmer, or raiyat or their sureties; and by Home Department Resolution of 17th March 1882, read in the preamble, this prohibition has been extended to Natives of India appointed to an office ordinarily reserved for Members of the Covenanted Civil Service under the provisions of 33 Vict., Cap. III, Section 6.

2. Instances have recently been brought to the notice of the Government of India in which uncovenanted gazetted officers of Government have lent large sums of money at various, and sometimes very high, rates of interest, to landholders of the province, and even of the district in which they are serving. It appears to the Governor General in Council very desirable that this practice should be discontinued at once. His Excellency in Council is accordingly pleased to direct that the existing rules on the subject, which apply to Covenanted Civil Servants and Members of the Statutory Civil Service, shall be extended to all uncovenanted officers in the Subordinate Executive and Judicial Services of the Government. Such officers are hereby prohibited from lending money at interest, whether directly or through relatives or other agents to landholders, with or without security, within the province in which they are employed.

Note.—These orders apply to all Executive and Judicial servants of Government to whom the term "officer" is usually applied* and the prohibition covers all loans.—Letter to Government of Madras, No. 2407, dated the 6th December 1890.

* *e.g.*, Deputy Collectors and Tahsildars and Subordinate Judges and Munsifs.

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11. Circular letter from the Secretary to the Government of India, Home Department, to all Local Governments and Administrations, No. $\frac{\text{So-Pub.}}{1676-1685}$, dated Simla, the 5th September 1890.

In a General Order of the Government of India in the Foreign Department, dated the 15th March 1847, it was laid down that a Government officer is at liberty, if his public conduct in the transaction of his official duties is impugned, "to seek redress through the usual official channel by an appeal to the Government he serves, and that the Government so appealed to will afford him every opportunity of vindicating his character." Though the matter has since that date been dealt with in a confidential paper, no subsequent orders regulating the course to be followed by Government officers for the vindication of their acts as public functionaries have been generally circulated, and the result is that the practice in this respect is not uniform in all Provinces. The Governor General in Council therefore deems it desirable to prescribe the procedure which should be generally observed in future. I am accordingly to convey the following instructions, with the request that their purport may (with the permission of $\frac{\text{His Excellency the Governor in Council}}{\text{His Honour the Lieutenant-Governor (and Chief Commissioner)}}$) be conveyed to the officers serving in the different branches of the administration in $\frac{\text{the Madras} \\ \text{the Bombay}}{\text{Bengal}}$ } Presidency
$\frac{}{\text{the North-Western Provinces and Oudh, &c.}}$.

2. It is a standing order that without obtaining the authorization of the Government to which he is immediately subordinate no officer of Government is permitted to have recourse to the Courts for the vindication of his public acts, or of his character as a public functionary, from defamatory attacks. In giving authority to institute proceedings, the Local Government concerned will decide whether the circumstances of the case are such that the Government should bear the costs of the

proceedings, civil or criminal, or leave the officer to institute the prosecution or suit at his own expense; and in the latter case it will also determine, in the event of the matter being decided by the Courts in the officer's favour, whether he should be recouped by Government the whole or any part of the costs of the action.

3. I am to explain that the ruling above laid down does not affect an officer's right to defend his private dealings or behaviour in any way that he may be advised; but his official reputation is in the charge of the Government which he serves, and it is for that Government to decide in each case whether the institution of proceedings to vindicate his public acts or character is necessary or expedient.

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12. Circular letter from the Secretary to the Government of India, Home Department, to all Local Governments and Administrations, No. $\frac{11 \text{ (Public)}}{679-88}$, dated 18th March 1890.

I am directed to say that the Governor General in Council has had under consideration the attitude which should be maintained by officers in the service of Government towards political or quasi-political movements with which they may be brought in contact. Servants of Government have not the same liberty of action as private individuals, and are bound to hold themselves aloof from many movements which are perfectly legitimate in themselves and which private persons are free to promote. Their participation in such movements is open to objection, because their connection with them is likely to create, and even to be appealed to for the purpose of creating, a false impression in the minds of ignorant persons that such movements have the countenance of Government, and because their influence with the community at large is liable to be impaired by their identifying themselves with the class by which the movement is promoted.

2. For these reasons His Excellency in Council desires that the following rules may be observed by all Government servants:—

(*a*) As a general rule that no officer of Government should attend at a political meeting where the fact of his presence is likely to be misconstrued or to impair his usefulness as an official.

(*b*) No officer of Government may take part in the proceedings of a political meeting or agitation.

(*c*) If in any case an officer is in doubt whether any action which he proposes to take would contravene the terms of this order, the matter should be referred to the Head of the Department or District, and, if necessary, to the Local Government or Administration.

Government of India Central Printing Office.—No. 876 H. D.—26-3-91.—13,000.—V. G. B.